

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Daniel Mark Mixson,)
Plaintiff,) C/A No. 2:11-642-MBS
vs.)
Assistant Solicitor Jennifer Shealy,)
Defendant.)
-----) **O R D E R**

Plaintiff Daniel Mark Mixson, proceeding pro se, filed a complaint on March 16, 2011, alleging that his constitutional rights have been violated in various respects. He brings the within action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On April 12, 2011, the Magistrate Judge issued an order to bring the case into proper form by (1) paying the \$350.00 filing fee or completing an Application to Proceed Without Prepayment of Fees and Affidavit; (2) completing one summons form for Defendant; (3) completing a Form USM-285 for Defendant; and (4) completing a complaint form provided. The proper form order advised Plaintiff to keep the Clerk of Court advised in writing if his address changed for any reason. Plaintiff was informed that his case could be dismissed for failing to comply with the proper form order.

The proper form order was sent to Plaintiff at 3841 Leeds Avenue, North Charleston, South Carolina 29405. On April 20, 2011, the envelope containing Plaintiff's copy of the proper form order was returned to the Clerk of Court, marked "RETURN TO SENDER - OUT OF JAIL." The Clerk's Office forwarded the proper form order to an alternate address listed by Plaintiff in his initial

filings. Plaintiff has not responded to the proper form order, nor has the envelope containing the proper form order been returned to the Clerk's Office.

It appears that Plaintiff no longer wishes to pursue this action. The within action is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

May 12, 2011.

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**